

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

TEXAS INDIGENOUS COUNCIL and  
ANTONIO DIAZ,

Plaintiffs,

v.

G.D. SIMPKINS, Sergeant;  
G. ANDRADE, Officer;  
D. JOHNSON, Officer; and  
RANDALL K. TUCKER, Officer,

Defendants.

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CIVIL ACTION NO.

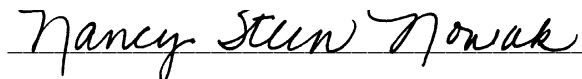
SA-11-CV-0315 XR

**ORDER DENYING MOTIONS TO AMEND AND TAKE DEPOSITIONS (DOCKET  
ENTRY 49 AND 50)**

Several motions are pending before the court and have been referred to the undersigned.

Plaintiffs filed a motion to amend to assert an additional claim based on the Fourth Amendment (docket entry 49) and for leave to take depositions of defendants (docket entry 50), both beyond the deadline for amending pleadings and for discovery. The motions were not accompanied by a request to expand the deadlines. The events which form the basis of this lawsuit took place on April 29, 2009, the complaint was filed on June 10, 2010, the deadline for plaintiffs to amend pleadings expired on August 8, 2011, and the deadline for discovery was December 5, 2011. Neither “good cause” or “excusable neglect” has been established to warrant expansion of these deadlines. Accordingly the motions to amend and for leave to take depositions are DENIED.

**SIGNED** on January 19, 2012.



NANCY STEIN NOWAK  
UNITED STATES MAGISTRATE JUDGE